

REC'D 12/18/02
12-12-02
EX-3530

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kim, et al.

Serial No.: 09/777,925

Group Art Unit: 2661

Filed: 02/06/01

Examiner: Unassigned

For: Method and Apparatus for
Protection Switching in Virtual
Private Networks

Docket No: 7703/17

APPLICATION TO WITHDRAW AS ATTORNEY OF RECORD
UNDER 37 CFR §§1.36 AND 10.40 (c)(1)(vi)

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

I, the undersigned attorney of record in the above-captioned patent application, hereby apply to the Commissioner to withdraw as the attorney of record in this application for non-payment of legal fees, as set forth in detail below.

1. The above-captioned application is assigned to Megaxess, Inc.
2. Since the filing date of this application to the present, the undersigned attorney of record has rendered legal services to Megaxess, Inc., as a client of Wolff & Samson law firm, in connection with filing and prosecuting the application.
3. In exchange for this legal work, Megaxess, Inc. agreed to pay Wolff & Samson our hourly fees plus all disbursements incurred on their behalf.

788450.01

1

BEST AVAILABLE COPY

4. Between June 2001 and June 2002, the firm submitted numerous invoices to Megaxess, Inc. for the legal work and the disbursements incurred in connection with their patent matters.

5. Numerous calls have been made and letters sent to Megaxess, Inc. in an attempt to collect on the outstanding balance, all to no avail.

6. Megaxess, Inc. has made numerous promises to us that further payments will be forthcoming but has not kept such promises.

7. It has become increasingly difficult to communicate with Megaxess, Inc. because they no longer have a receptionist, they no longer return our telephone calls, and they do not reply to our e-mail messages.

8. To date, Megaxess, Inc. has not paid Wolff & Samson for a substantial portion of the legal work provided and has not paid the firm for many advance disbursements. Megaxess, Inc. presently owes Wolff & Samson a principal balance of \$48,539.49 for legal services and disbursements. Invoices dating from June 2001 remain unpaid.

9. Wolff & Samson believes that the firm will be harmed if it were to continue to assume responsibility in any way over this application. Specifically, if this application for withdrawal is not approved, then our professional and ethical obligations as attorneys would force us to expend additional time and resources on behalf of Megaxess, Inc. in responding to any future actions mailed by the Patent Office, and in order to avoid abandonment of the application. However, we would most likely receive no compensation for this effort.

BEST AVAILABLE COPY

10. The application is currently pending and there is no outstanding matter which requires a response.

11. We have sent copies of the complete files relating to this matter to the client.

12. Once this application for withdrawal is approved, kindly direct all future correspondence regarding this application to Bill Baker, CFO of Megaxess, at his business address of Megaxess, Inc., Trevion II, Suite 206, 12800 Middlebrook Road, Germantown, Maryland 20874.

In conclusion, in the absence of receiving all fees due to Wolff & Samson from Megaxess, Inc., we do not want to expend any further time on this application or continue to be responsible in any way therefor. For the reasons detailed above, the undersigned attorney of record earnestly solicits the Commissioner's prompt consideration and approval of this application to withdraw.

Dated: August 2, 2002

Respectfully submitted,


Michael R. Friscia
Registration No. 33,884
Attorney for Applicant
Wolff & Samson
5 Becker Farm Road
Roseland, NJ 07068-1776
Tel.: (973) 533-6599
Fax: (973) 436-4499

788450.01

3

BEST AVAILABLE COPY